

IN SENATE OF THE UNITED STATES

MARCH 3, 1845.

Submitted, and ordered to be printed.

Mr. WOODBRIDGE made the following

REPORT :

[To accompany bill H. R. 546.]

The Committee on Public Lands, to which have been referred a certain "joint memorial" of the General Assembly of Alabama, and also a bill entitled "An act to grant to the Tennessee and Coosa Railroad Company a right of way through the public lands of the United States," have had the same under consideration, and respectfully report:

That the "joint memorial" aforesaid asks for a right of way, and also for alternate sections of land, for the purpose of aiding in the construction of a railroad, so as to form a continued line of communication between the Tennessee and Coosa rivers. It asks, also, that the same be granted for the use of the "Tennessee and Coosa Railroad Company," in order very manifestly to render more certain the completion of the work alluded to.

From the documents appended hereto, it would seem that the contemplated work constitutes a link only of an extended line of communication, the purpose of which is to connect the Southern Atlantic States with the valley of the Mississippi, at or near Memphis. Assuming that the facts in the memorial and other documents are fairly set out, no doubt can exist, in the opinion of your committee, but that the completion of such a work promises to be of great national utility—not merely as a means of facilitating and expediting social and commercial intercourse, and the commerce between the States, but, in time of war, as furnishing a safe and rapid means of transporting troops and all the *materiel* of an army. But, aside from such considerations, it is perhaps sufficient to say, that the policy of making such grants has long been established, and has repeatedly received the sanction of the Senate.

The House bill provides only for the grant of the right of way, and it purports to grant that right directly to what appears to be an incorporated company. During the last session of Congress, a bill was reported to the Senate, by its Committee on Public Lands, purporting to grant a right of way, in similar terms, to another incorporated company in another State; but when it came before the Senate, for its consideration, the Senate was pleased to amend that bill, and direct that right of way to be granted directly to the State. Respect, then, for the opinion of this body in a case, in this regard, quite analogous, and there expressed, might of itself be suffi-

cient to justify the adoption of the same plan in this case. But there is another reason which seems to require it. The House bill, as it is now proposed to amend it, will purport (in aid of the object) to grant a large number of acres of the public domain. The "Tennessee and Coosa Railroad Company" may forfeit its charter, or, from insolvency or from some other cause, it may be unable or indisposed to proceed in its work. If the grant be made directly to the State, and such an exigency should occur, the authority to apply the means thus granted would still continue, while, on the other hand, the State authorities, in the proper exercise of their discretion, may, in virtue of the provisions of the bill, as it is proposed to amend them, continue to vest in that company all necessary power to apply those means to the object. And this form of legislation *seems*, also, more fully to accord with the views of the memorialists than that adopted by the House.

For these reasons principally, your committee have proposed to amend the House bill by striking out all after the enacting clause, and inserting the form of the bill which is herewith presented. They propose also to amend the title of the bill, making it more fully in conformity with the scope of it. All which is respectfully submitted.

Amendment 2.—Strike out the title of the bill, and insert the following:

"An act to grant to the State of Alabama a right of way through the public lands, and to apply certain alternate sections of said lands towards the completion of the Tennessee and Coosa Railroad, in the State of Alabama, and for other purposes."

Amendment 1.—Strike out all after the enacting clause, and insert:

That there be, and hereby is, granted to the State of Alabama, to be applied by the "Tennessee and Coosa Railroad Company," or by said State, or by any person or persons by the General Assembly of said State, from time to time appointed, the right of way through such portions of the public lands as may remain unsold and undisposed of, and within that State, from a point on the Tennessee river at or near "Gunter's Landing," (so called,) to the Coosa river, at or near the mouth of Will's creek, and by such route as the General Assembly may direct between those two termini, for the purposes of a railroad proposed to be constructed under the authority of said State: *Provided*, That said right of way shall not exceed one hundred feet in width; and that the route of said road shall be designated and marked on the ground, by plain landmarks, within the period of eighteen months from the passing of this act; and a true copy of the notes of survey and plat thereof, with a proper description of the landmarks, be transmitted to the General Land Office at the city of Washington, within sixty days after said survey shall have been completed as aforesaid.

SEC. 2. *Be it further enacted*, That so long as the public lands in the vicinity of said road shall remain unsold, and otherwise undisposed of, the said State shall have power to take therefrom such materials, of earth, stone, and wood, as may be necessary for the construction of said road, doing therein no unnecessary and no unreasonable waste.

SEC. 3. *Be it further enacted*, That there be, and hereby is, granted to the State of Alabama, for the purpose of aiding the said State, the said

"Tennessee and Coosa Railroad Company," or any other person or persons thereto appointed and authorized by said State, in completing said railroad between the two termini hereinbefore mentioned, a quantity of land equal to one-half of five sections in width, on each side of said railroad, between the said two points, to be selected by an agent or agents to be appointed by the Governor of said State, subject to the approval of the Secretary of the Treasury, reserving each alternate section of the land unsold to the United States; and the land so reserved to the United States shall not be sold for less than two dollars and fifty cents per acre. And as some of the sections and parts of sections within the limits aforesaid have been heretofore sold, or otherwise encumbered, so that they cannot be so applied, it is further enacted, that a quantity of land equal to that so sold, or otherwise disposed of or encumbered, shall be selected by said agent, under the direction of the Secretary of the Treasury, from the public lands near the site of said railroad, on either side thereof. The said land hereby granted to the State of Alabama to be subject to the disposal of the General Assembly thereof, for the uses and purposes aforesaid, and no other: *Provided*, That the said railroad shall be and remain a public highway, for the use of the Government of the United States, free from toll and other charge upon any cars or carriages the said Government may place thereon, and upon any property or troops of the United States said Government may place therein: *And provided, also*, That the said railroad shall be completed within twenty years, or else that the said State of Alabama shall be bound to pay to the United States the amount of any of said granted lands previously sold by said State, the titles of purchasers under said State remaining valid.

SEC. 4. *And be it further enacted*, That, before it shall be competent for the General Assembly of Alabama to dispose of any of the lands in this act mentioned and granted, a chart or charts, showing the courses and distances and points of termination of said railroads shall be reported, or caused to be reported, by the Governor of said State, or by some person or persons by him appointed, to the Commissioner of the General Land Office: *Provided*, That nothing herein contained shall be in any wise so construed as to grant or in any wise encumber any lands which (whether on the line of said railroad, or within the strip of country hereinbefore mentioned on either side thereof) shall have been by law reserved for schools, or which may have been legally selected and located as school lands in virtue of any act of Congress, as a substitute for section number 16.

Joint memorial to the Congress of the United States, asking a right of way over and certain sections of the public lands, for the Tennessee and Coosa Railroad Company.

Your memorialists would respectfully represent, that a moiety of the two per cent. fund relinquished by Congress to the State of Alabama has been offered by this Legislature as a loan to a company for the construction of a railroad to connect the waters of the Tennessee and Coosa rivers. They believe this road will greatly facilitate and promote intercourse between the northern and southern sections of our State, as contemplated by Congress in relinquishing said fund; and, furthermore, will consummate the connexion of the Atlantic seaboard with the Mississippi river, by means of

steam conveyance. They regard this work as of great importance, in a social, commercial, and national point of view, and deserving such aid as is competent and proper for Congress to furnish.

Your memorialists would further represent, that said sum is insufficient to build said road, but that individuals of large capital and liberal public spirit have offered to co-operate with the State in achieving said improvement.

Your memorialists would further represent, that the contemplated road will pass through a portion of the State containing a large body of public lands, that have been long in the market, but, owing to their sterility, will not sell for the minimum price of the General Government.

In consideration of the importance of this work, the generous and enlightened enterprise of those private citizens who are willing to invest their money for its accomplishment, and the unsaleable character of those public lands, your memorialists ask Congress to pass a law granting a free *right of way* over said public lands, and alternate sections of the same, on the line of said road, for the use and benefit of the Tennessee and Coosa Railroad Company. This land, although valueless for other purposes, will afford a good supply of timber and other materials for the construction of said railroad.

GENERAL LAND OFFICE,

February 18, 1845.

SIR: I have the honor to acknowledge the receipt of your communication of 17th instant, enclosing a memorial from the State of Alabama, "asking a right of way over and certain sections of the public lands, for the Tennessee and Coosa Railroad Company."

The route of the road is not designated in the memorial. The only information on this point is obtained from the act of the Legislature of Alabama incorporating the railroad company, (approved January 16, 1844,) from which the following is an extract:

"SECTION 3. That the said railroad shall extend from some point at or near Gunter's Landing, upon the Tennessee river, to the most eligible point on the Coosa river, between the base of the Lookout mountain and the Ten Island shoals; and shall be located with a view to the extension, at some future day, to some point on the Alabama river."

The termini of the road are here declared. No intermediate points being given, this office has assumed what appeared to be the most direct and probable route, which is exhibited upon the accompanying diagram. The diagram also shows through what land districts the route will pass.

The assumed route occupies fifty-two sections, covering about 33,280 acres; in which sections there have been sold an aggregate amount of 5,862 acres.

The particular sections occupied, and the amount of sales in each, are exhibited in statement A, herewith submitted.

The memorial is returned.

With great respect, your obedient servant,

THOMAS H. BLAKE,

Commissioner.

HON. WILLIAM WOODBRIDGE,

Chairman of the Committee on Public Lands, Senate U. S.

REPORTS

OF

THE COMMITTEE ON THE JUDICIARY

OF

THE SENATE OF THE UNITED STATES,

MADE BY

THE HONORABLE JOHN MACPHERSON BERRIEN,

ON JANUARY 27 AND MARCH 3, 1845.

WITH TESTIMONY RELATING TO

THE VIOLATION OF THE NATURALIZATION LAWS.

March 3, 1845.

ORDERED TO BE PRINTED, AND THAT FIVE THOUSAND ADDITIONAL COPIES BE FURNISHED FOR THE USE OF THE
SENATE.

WASHINGTON:

PRINTED BY GALES AND SEATON.

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1845.

REPORTS

THE COMMITTEE ON THE JUDICIARY

THE SENATE OF THE UNITED STATES

THE HONORABLE JOHN MACPHERSON BERRIE

WITH TESTIMONY RELATING TO

THE VIOLATION OF THE NATURALIZATION LAWS

WASHINGTON: 1902

PRINTED BY GILES AND SONS

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IN SENATE OF THE UNITED STATES

March 1, 1881.

Mr. BREWSTER submitted the following

REPORT:

The Committee on the Judiciary, to which were referred certain bills and resolutions relative to the naturalization laws of the United States, have the honor to submit the following suggestions:

The several memorials which have been presented to the Senate have for their object the modification of the naturalization laws of the United States, in the following particulars:

1. That section of the act of 1802 should be extended to 14 years.

2. That the privilege of citizenship should be granted to the children of naturalized citizens who are now restricted by law.

3. That provision should be made to prevent the introduction and sale of foreign papers and books.

By the passage of the bill, the committee are instructed to report.

But the committee of modifying the naturalization laws have in view the following suggestions:

1. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

2. To provide for the naturalization of children of citizens.

3. To provide for the naturalization of children of citizens who are born in the United States.

4. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

5. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

6. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

7. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

8. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

9. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

10. To require every person who is a foreigner in the United States to obtain a certificate of naturalization.

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